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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

OCT - 7 1996

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Telephone Number Portability )

CC Docket No. 95-116

To: The Commission

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## REPLY COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA"), pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, hereby submits comments in reply to oppositions filed herein which challenge the requests for reconsideration of the Commission's First Report and Order and Further Notice of Proposed Rulemaking<sup>1</sup> ("Order") as it applies to the deployment of number portability capability by Commercial Mobile Radio Service ("CMRS") providers.<sup>2</sup> RCA supports those Petitioners urging the Commission's clarification and reconsideration of its implementation schedule as it affects rural cellular service providers. RCA submits that the public interest is not served where regulatory requirements designed to accommodate expected competition in urban areas are applied to rural areas without consideration of geographic differentiations in expense and utility. In support thereof, RCA shows the following:

<sup>1</sup>/ FCC 96-286, 9 FCC Rcd \_\_ (rel. July 2, 1996).

<sup>2</sup>/ The Commission's requirement extends to cellular, broadband Personal Communications Service ("PCS") and "covered" specialized mobile radio ("SMR") providers, those "CMRS providers that are expected to compete in the local exchange market . . . ." Order at para. 155.

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RCA is an association representing the interests of small and rural cellular licensees providing commercial services to subscribers throughout the nation. Its member companies provide cellular service to predominantly rural areas where more than 6 million people reside. Accordingly, RCA member companies will be affected directly by the outcome of this proceeding; RCA is, therefore, a party in interest.

**I. The CMRS Deployment Schedule Should Be Modified.**

In establishing a deployment schedule for the implementation of its number portability requirements, the Commission noted that "cellular, broadband PCS, and covered SMR providers will face burdens comparable to wireline carriers in modifying their networks to implement number portability."<sup>3</sup> The Commission also observed that "while the wireline industry has already developed many of the standards and protocols necessary for wireline carriers to provide number portability, the CMRS industry is only beginning to address the additional standards and protocols specific to the provision of portability by CMRS carriers."<sup>4</sup> The Commission also recognized that these carriers face unique technical issues because of roaming.<sup>5</sup>

Despite these findings, the Commission imposed upon all CMRS carriers, including those, like RCA member companies, which provide

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<sup>3</sup>/ Order at para. 162.

<sup>4</sup>/ Id. at para. 164.

<sup>5</sup>/ Id.

service only in rural areas, an implementation schedule which is more ambitious than that required for wireline carriers. The Commission, without even addressing its own differentiation among wireline carriers according to their geographic location,<sup>6</sup> nonetheless requires that all affected CMRS providers must

have the capability of querying appropriate number portability database systems in order to deliver calls from their networks to ported numbers anywhere in the country by December 31, 1998, the date by which wireline carriers must complete implementation of number portability in the largest 100 MSAs.<sup>7</sup>

In addition, CMRS providers must offer service provider portability capable of supporting roaming in all markets, including rural markets, by June 30, 1999.<sup>8</sup>

Several petitioners have sought reconsideration and clarification of the Commission's decision regarding the practical effects of implementing CMRS number portability requirements on a deployment schedule which differs that imposed on LECs.<sup>9</sup> CTIA, for example, notes that in areas of the country where LECs are not yet

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<sup>6/</sup> Only local exchange carriers ("LECs") operating in the largest 100 Metropolitan Statistical Areas ("MSAs") must complete number portability deployment by December 31, 1998. Order at para. 77. Thereafter, LECs must make number portability available in smaller MSAs only upon the specific request of another telecommunications carrier operating or planning to operate in the area within six months of the request. Id. at para. 80.

<sup>7/</sup> Id. at para. 165.

<sup>8/</sup> Id. at para. 166.

<sup>9/</sup> See, e.g., Petitions for Reconsideration of the Cellular Telecommunications Industry Association ("CTIA"), Airtouch Communications, Inc., Bell Atlantic NYNEX Mobile, SBC Communications, Inc., GTE Service Corporation, Pacific Telesis Group.

required to implement number portability, the databases required to support number portability would have to be created by area CMRS providers.<sup>10</sup> RCA concurs with CTIA's observation that the volume of requested ported numbers a rural carrier may receive likely will not justify the expenses incurred to create and maintain these databases; in addition, the resulting creation of multiple portability databases is specifically contrary to the Commission's goals.<sup>11</sup>

Commenters opposing these requests fail to respond directly to Petitioners' arguments, relying instead upon a generalized promotion of a disembodied concept of competition.<sup>12</sup> These contentions ignore any recognition of the practical problems CMRS providers will face in the deployment of number portability capability in a mobile environment. Commenters also ignore the inequity of timing requirements which differ according to the technology which a carrier utilizes to provide telecommunications services. Parties opposing the limited reconsideration and clarification sought by Petitioners demonstrate their fundamental misapprehension of the nature of the problem in suggesting that all potential issues can be resolved by reference to the limited authority granted to the Chief, Wireless Telecommunications Bureau

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<sup>10</sup>/ Petition for Reconsideration of CTIA at 3-4.

<sup>11</sup>/ Id. at 4, citing Order at para. 49.

<sup>12</sup>/ See, e.g., Comments of the Telecommunications Resellers Association at 13-14; Opposition to Petitions for Reconsideration and Clarification of MCI Telecommunications Corporation and MCImetro at 19-22.

to consider individual waiver requests<sup>13</sup> under what the Commission itself described as "extraordinary circumstances."<sup>14</sup> The effective and efficient implementation of national number portability standards demands a more unified approach. The public interest requires a national policy which recognizes regional differentiation of all carriers, not just LECs.

## **II. The Time Limitation for Waiver/Stay Requests is Arbitrary.**

RCA also supports the request of various Petitioners that the authority granted the Chief, Wireless Telecommunications Bureau, to consider waiver requests be expanded. The Commission confines the ability of the Chief, Wireless Telecommunications Bureau, to waive or stay the implementation schedule in any particular case for a period not to exceed nine months.<sup>15</sup> As CTIA notes,<sup>16</sup> the establishment of a nine-month period is totally arbitrary, having no factual support on the record. Accordingly, to address adequately the complicated technical issues which may arise in the context of implementation of the Commission's number portability directives, the Chief, Telecommunications Bureau, should be invested with sufficient authority to determine the appropriate length of time to be associated with the grant of a specific waiver or stay request.

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<sup>13</sup>/ Opposition of MCI at 21.

<sup>14</sup>/ Order at para. 168.

<sup>15</sup>/ Order at para, 167.

<sup>16</sup>/ Petition of CTIA at 5-6.

### III. Conclusion

RCA respectfully submits that the Commission's reconsideration of its decisions regarding the timing of CMRS implementation of number portability requirements will serve the public interest by ensuring that all telecommunications carriers are subject to equal regulatory treatment. In addition, the establishment of an arbitrary maximum time period for the effectiveness of stays and waivers prejudices the specific factual situations which will form the basis for any such request. These suggested modifications to the Commission's Rules will ensure that number portability technology will be deployed in an effective and efficient manner.

Respectfully submitted,

THE RURAL CELLULAR ASSOCIATION

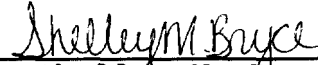
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October 7, 1996

**CERTIFICATE OF SERVICE**

I, Shelley M. Bryce, hereby certify that a copy of the foregoing **Reply Comments of The Rural Cellular Association** **CC Docket No. 95-116** was served on this 7th day of October 1996, by first class, U.S. mail, postage prepaid, to the following parties:



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